IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.18277 of 2008
DINESHWAR OJHA
Versus
THE STATE OF BIHAR

03/ 10.09.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is an accused for offences punishable under sections147, 148,149 and 302 of the Indian Penal Code as well as section 27 of the Arms Act.

Earlier a similar prayer of the petitioner has been rejected by this court on 20.12.2007 passed in Criminal Miscellaneous Case No.39883 of 2007. Since the allegation against the petitioner is that he was armed with rifle and fired upon the deceased from close range due to which he died, this court does not find any reason to take a different view.

However, since there is serious discrepancy with regard to the place of occurrence, this petition is dismissed with a liberty to the petitioner to move before this court again after completion of three years in custody.

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harish/ **(S.N.Hussain, J.)**